

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION**

UNITED STATES,	§	
	§	
v.	§	Cr. No. C-08-191
	§	
ROBERTO SANCHEZ.	§	

ORDER DENYING MOTION TO WITHDRAW

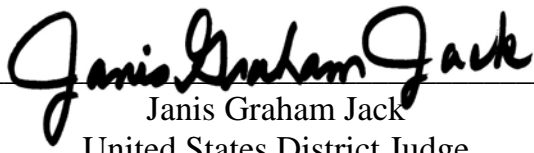
Pending before the Court is a Motion for Withdrawal of Counsel, filed by Sanchez's appointed counsel, Randall Barrera. (D.E. 47.) In it, Barrera contends that he should be permitted to withdraw because he is unable to effectively communicate with his client. He claims that both Sanchez and his wife have said they do not want Barrera representing him on appeal. Apparently, they "blame" Barrera for the 75-month sentence Sanchez received and have accused Barrera of not doing enough for Sanchez at sentencing. Barrera further states that these facts lead him to think that Sanchez will be pursuing a motion under 28 U.S.C. § 2255 once the appeal is concluded. (See D.E. 47.)

The Court appointed Barrera as appellate counsel in large part because he is already familiar with Sanchez's case. Neither Sanchez's statements that counsel did not do enough for him, nor Barrera's contention that Sanchez and his wife are unsatisfied with Barrera, shows a sufficient conflict of interest warranting appointment of different appellate counsel. Moreover, to the extent Sanchez has complaints about his counsel's performance during his criminal proceedings or on appeal, he may raise them in a § 2255 motion at the conclusion of his appeal. In the interim, he is advised to work with his appellate counsel to effectively prosecute his appeal.

In the absence of any specific or detailed claim of a conflict of interest, or other claim justifying the substitution of counsel, the Court therefore declines to substitute counsel. Cf. FIFTH CIRCUIT PLAN UNDER THE CJA § 5(B) (allowing substitution of appellate counsel upon a required showing of a “conflict of interest or other most pressing circumstances or that the interests justice otherwise require relief of counsel”).

For the foregoing reasons, Barrera’s motion to withdraw (D.E. 47) is DENIED.

It is ORDERED this 3rd day of December, 2008.



Janis Graham Jack
United States District Judge